

THE MARKS LAW FIRM, P.C.

December 18, 2023

FILED VIA ECF

Hon. John P. Cronan
United States District Judge
United States Courthouse
500 Pearl Street, Courtroom 12D
New York, NY 10007-1312

Defendant Djerdan Astoria Corp. is directed to respond to Plaintiff's letter by January 4, 2024, advising the Court as to whether it has any objection to producing its lease with Defendant Leonidou.

SO ORDERED.
Date: December 28, 2023
New York, New York



JOHN P. CRONAN
United States District Judge

RE: **Lesaldo Shalto v. Djerdan Astoria Corp., et al.**
Index: 1:23-cv-06730-JPC

Dear Judge Cronan,

Plaintiff respectfully requests this court's guidance on the issue of service of Defendant, Angela Leonidou, the building owner/landlord. Your Honor granted the Plaintiff additional time to locate and serve the individual Defendant, Angela Leonidou to January 30, 2024. This submission is in accordance with ECF filing rule 13.26 and respectfully resubmitted as a result of the Exhibit A was not included in original submission ECF Docket 18.

To date, our office continues to have trouble locating and serving the Defendant, Angela Leonidou, who is the building owner/landlord of the premises at issue in the Complaint at 34-04A 31st Avenue, Queens, NY 11106 ("Premises"). Currently the commercial tenant Djerdan Astoria Corp. has appeared through counsel Faris Hamtini [Dkt 11]. Our process server attempted service upon Defendant, Angela Leonidou at a verified addresses found through the Department of Buildings search, but our process server informed us that the Defendant does not reside in the address even though she is the owner of the Premises. Furthermore, our office has been conducting searches on the internet utilizing ACRIS, property shark and other online search engines, in order to locate the Defendant. We have made contact with the attorney Terry S. Triades, Esq. (Triades & Triades, LLP) the represented parties in the purchase/closing of the building when sold from "Leonidas Leonidou" to "Angela Leonidou," but he continues to be waiting for a call back. Our process server cannot run a skip-trace on Angela Leonidou without additional information about her personally.

We further contacted Djerdan Astoria Corp's counsel Faris Hamtini, who recently responded. We requested basic discoverable information about the landlord to effectuate service (e.g. the Lease or other contact information), but he refused to provide any information at all that is easily accessible to his client. Djerdan Astoria Corp has contact information for the landlord identified in the lease, or the place the rent is mailed to, or a phone number/email in case of an emergency at the Premises, that would assist in serving the Landlord or seeking alternative service to serve the landlord. Essentially, Djerdan Astoria Corp is aiding the Defendant Angela Leonidou in avoiding service of the complaint by refusing to provide any information and is improper. Defendants Counsel, Faris Hamtini, has expressed his concern that by providing the discoverable information now, would be prejudicial to his client due to contractual obligations,

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but in light of the joint and several liability of the claims, it would not be prejudicial to his client, nor is it's a legitimate reason to not provide the information. Mr. Hamtini has informed our office that the *only* way he will advise his client to provide the information request about Angela Leonidou, is by Court Order.

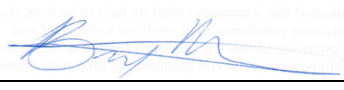
Accordingly, Plaintiff respectfully request Your Honor enter an order requiring Defendant, Djerdan Astoria Corp, to produce all contact information in their possession for the Defendant Angela Leonidou, including mailing address, e-mail, facsimile, phone number(s), which includes all contact information for the owner/landlord of the Premises in their possession, which includes a copy of the lease. Moreover, Order that the parties exchange their rule 26 initial disclosures within five days from date of any order, if any.

In the alternative, Plaintiff respectfully requests that this Court issue an order granting Plaintiff the right to Angela Leonidou by January 30, 2024, using alternative means of process as all other reasonable efforts have failed. We have attempted service at the Premises and the residence listed in the attached deed, which have failed. It is undisputed that Angela Leonidou owns and operates the property located at 34-04A 31st Avenue, Queens, NY 11106, which is subject to this instant litigation (Exhibit A). Plaintiff respectfully request the right to engage in alternative means of service by either: (a) "Nail and Mail" - by serving the papers using the actual place of business (34-04A 31st Avenue, Queens, NY 11106) and mailing a copy by first class mail to the Premises; and emailing a copy to Terry Triades (Terry@triadeslaw.com), who stated he "spoke with a relative of Angela Leonidou."; or (b) to serve Angela Leonidou by Personal service by mail pursuant to FRCP 4(e)(1) by mailing a copy by certified mail to 34-04A 31st Avenue, Queens, NY 11106 and emailing a copy to Terry Triades (Terry@triadeslaw.com).

This is the first request of its kind. We thank you and the Court for its time and consideration on this matter.

Respectfully Submitted,

The Marks Law Firm, P.C.

By: 

Bradly G. Marks